

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
JUNE 26, 2013**

Meeting called to Order by Mr. Novellino at 7:35 p.m.

Reading of Adequate Notice by Mr. Morelli.

Salute to the Flag and observance of a moment of silence for the troops.

Roll Call: Present: Morelli, Novellino, Bailey, Conoscenti, Mostyn and Ferro. Absent: Barthelmes, Lambros and Frost

MEETING MINUTES:

The Board Members having reviewed the May 22, 2013 Meeting Minutes, Mr. Mostyn made the Motion to adopt the Minutes and Mr. Ferro offered a Second: Roll call Vote: Mostyn, Ferro, Conoscenti, Bailey, Morelli and Novellino voted yes to approve.

RESOLUTIONS:

Z13-06 KOWAL, PETER AND BARI – Block 38, Lot 6.14. Located at 5 Lahaway Creek Court consisting of 1.84 acres in the R-130 Zone. Applicants sought to construct an in-ground pool/spa and concrete walkway/patio in the rear yard where steep slopes exist. Variance granted for disturbance of approximately 4,675 s.f. of steep slopes 15% to 29% in grade. Pre-existing undersized lot.

The Board having reviewed the Resolution, Mr. Morelli made a Motion to memorialize and Mr. Conoscenti offered a Second. Roll call Vote: Morelli, Conoscenti, Bailey, Mostyn, Ferro and Novellino voted yes to memorialize the Resolution.

NEW APPLICATION:

Z13-07 PRESTON, SCOTT – Block 57, Lot 3. Located at 97 Trenton-Lakewood Road consisting of 0.40 acres in the RU-P zone. Applicant seeks variance relief to install an above-ground pool (24' diameter) in his back yard where 25 feet setback is required in the Zone, only 10 feet can be provided. Pre-existing, non-conforming, undersized lot. Deemed Complete on: 6-05-13 Date of Action: 10-03-13 Noticing required.

Board Attorney Greg Vella having reviewing the jurisdictional packet and found same to be in order to accept jurisdiction over the application.

Attorney Vella read the following Exhibits into Evidence:

- A-1 Jurisdictional Packet
- A-2 Web notice
- A-3 Application dated 5-24-2013
- A-4 Aerial of Property
- A-5 Survey of Property prepared by Midstate Engineering Dated 5-1-2013
- A-6 Plan of pool location and setbacks (hand drawn) utilizing Survey Exhibit A-5

Attorney Vella swore in applicant Scott Preston.

Mr. Preston explained that he would like to put a 24 feet round, above ground pool in his backyard . His lot is a pre-existing, non-conforming undersized located in the RU-P Zone. The home is an older, renovated home. He has taken down the outbuildings that were formerly on the property. Mr. Preston explained that due to the configuration of his property, the only area to place the pool would require a rear yard setback variance where 25 feet is required, he can only provide 10 feet.

Board Planner Richard Coppola stated that the lot abuts property that belongs to the State and will not be developed. The undersized lot issue was addressed when Mr. Preston came to the Board in 2007. Mr. Coppola stated that the pool would not be seen by the neighbors in that their homes are set back from the area.

Mr. Coppola reviewed the aerial and observed that Lot 4 has two garages built in a location that blocks both backyard views from one another. Mr. Preston cannot see the neighbor's backyard. The neighbor has a swimming pool located close to the rear lot line as well. Mr. Coppola offered that by approving this variance, the Board is not setting any precedent.

The fence that would surround the pool would be to code. Mr. Preston's leach field is located on the on opposite side of septic location. The pool equipment would be located to the rear of the pool.

Should the Board approve the application, a condition of approval would be that the applicant would provide all fencing as required by the Township Construction Department.

The Board asked Mr. Preston where his well is located and the applicant advised it is located in the front of the property.

Engineer Shafai advised that the application meets the side yard setback requirement, it is just the back yard setback that requires the variance. The pool will be located 13 feet from the house.

Chairman Novellino opened the application to the public at 7:47p.m. Seeing no public comment, Chairman Novellino closed the public portion at the same time.

Chairman Novellino offered that he did not observe any issues and found that the application to be a reasonable request. He finds there is no impact to the neighbors. Attorney Vella stated that a condition of approval would be that the applicant provides all fencing as required by the Township Construction Department.

Mr. Conoscenti made a Motion to approve the application as conditioned and Mr. Morelli offered a Second. Roll Call Vote: Conoscenti, Morelli, Bailey, Mostyn, Ferro and Novellino voted yes to approve the application.

The Resolution will be memorialize at the next meeting.

NEW BUSINESS:

Planner Coppola apprised the Board of several ordinances that were introduced by the Township Committee and would be on the Township Committee's July 24, 2013 Agenda for adoption.

Mr. Coppola briefly explained that a subcommittee was appointed. For the purpose of putting together a fence ordinance, other than swimming pool fencing which is already in place, the ordinance had to find a balance between the needs of a subdivided residential lot and farm lots.

Mr. Coppola explained that the definition of a kennel was clarified and sets forth it is a business; a commercial enterprise. The new definition of a thru lot and corner lot has been addressed.

The ordinance for site plan review states that if a property is variance free and within limits of minor expansion, all within the allowance of the ordinance, this can be accomplished administratively with the Planner and the Engineer reviewing the matter.

Engineer Shafai worked with the governing body to amend the Soil Removal Ordinance. He advised that as the ordinance read, importing or removal of a few yards of soil would require a permit. He explained that an applicant would have to go before the Planning Board, notice for the application and the cost was expensive. Mr. Shafai advised that the application to import or export soil has been broken down into three different ordinances to address different levels. The first two levels can be approved

administratively when 40 to 400 yards of soil are being considered. For more than 400 or more yards of soil being imported or exported, the applicant would have to appear before the Planning Board for their review.

Seeing no further business, Chairman Novellino asked for a Motion to adjourn. Mr. Mostyn made the Motion and Mr. Conoscenti offered a Second and by unanimous vote, the matter adjourned at 8:05 p.m.

Respectfully submitted

Pamela. D'Andrea